

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Letters Patent Appeal No.1601 of 2014 (O&M)

Date of Decision: August 05, 2015

Lakhbir Singh and others

.....Appellants

versus

Punjab Wakf Board and others

.....Respondents

**CORAM:** HON'BLE MR.JUSTICE SURYA KANT.  
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.A.K.Chopra, Senior Advocate with  
Mr.Harminder Singh, Advocate, for the appellants.  
Mr.S.K.Pipat, Senior Advocate with  
Mr.Manoj Kumar Pundir, Advocate,  
for respondent No.1.  
Mr.Aman Bahri, Additional AG, Punjab,  
for respondent Nos.2 to 5.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Surya Kant, J. (Oral)

CM No.3453 of 2014

The prayer in this application is for condonation of  
619 days' delay in filing the accompanying appeal.

The case of the applicant-appellants is that the  
learned Single Judge had dismissed the writ petition filed by  
respondent No.1-Wakf Board against them on 19.01.2012 but  
subsequently, vide order dated 19.10.2012 the afore-said order  
was reviewed in their absence and the writ petition was  
allowed.

Learned counsel for respondent No.1-Board points-out that notices in the Review Application were duly served on the applicant-appellants but they did not come forward to contest the same. He does not dispute the fact that Review Application was decided in the absence of the applicant-appellants. In this view of the matter, it appears in the interest of justice to condone the delay and entertain the appeal on merits.

Ordered accordingly.

LPA No.1601 of 2014 (O&M)

This letters patent appeal impugns the order dated 19.10.2012 whereby learned Single Judge has allowed the Review Application filed by respondent-Wakf-Board and consequently, recalled the earlier order dated 19.01.2012 whereby writ petition filed by the respondent-Board was dismissed.

One of the plea taken by the appellants is that the Review Application has been allowed behind their back and without hearing them.

Learned counsel for the respondent-Board submits that notices in the Review Application were served but the appellants did not chose to appear and contest the same. The appellants have strongly controverted such a claim.

Having heard learned counsel for the parties and since there is a serious contest on the issue as to whether or not the appellants were duly served in the Review Application, we deem it appropriate to set-aside the order dated 19.10.2012 and remit the case to learned Single Judge for fresh adjudication of the Review Application after hearing both the parties.

Suffice it would be to observe that inconvenience caused to the respondent-Board can be adequately compensated with costs.

For the reasons afore-stated, we allow this appeal in part; set-aside the order dated 19.10.2012 and the matter is remitted to learned Single Judge for fresh adjudication of the Review Application after hearing both the parties and subject to payment of Rs.10,000/- by the appellants to the respondent-Board which shall be paid on the date of appearance before the learned Single Judge.

Parties are directed to appear before the learned Single Judge on 31.08.2015.

[SURYA KANT]  
JUDGE

*August 05, 2015*  
*mohinder*

[P.B.BAJANTHRI]  
JUDGE